



APPLICATION ACCEPTED: July 23, 2012
BOARD OF ZONING APPEALS: October 3, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 26, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-PR-043

PROVIDENCE DISTRICT

APPLICANTS/ OWNERS: James O'Connor
Connie Y. O'Connor

STREET ADDRESS: 2301 Shawn Court, Dunn Loring, 22027

SUBDIVISION: Leigh Woods

TAX MAP REFERENCE: 39-4 ((22)) 5

LOT SIZE: 6,923 square feet

ZONING DISTRICT: R-5

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction of certain yard requirements to permit construction of a deck 9.3 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-PR-043 with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

O:\dhedri\Special Permits\10-3) SP 2012-PR-043 O'Connor (50)\SP 2012-PR-043 O'Connor staff report.doc Deborah Hedrick

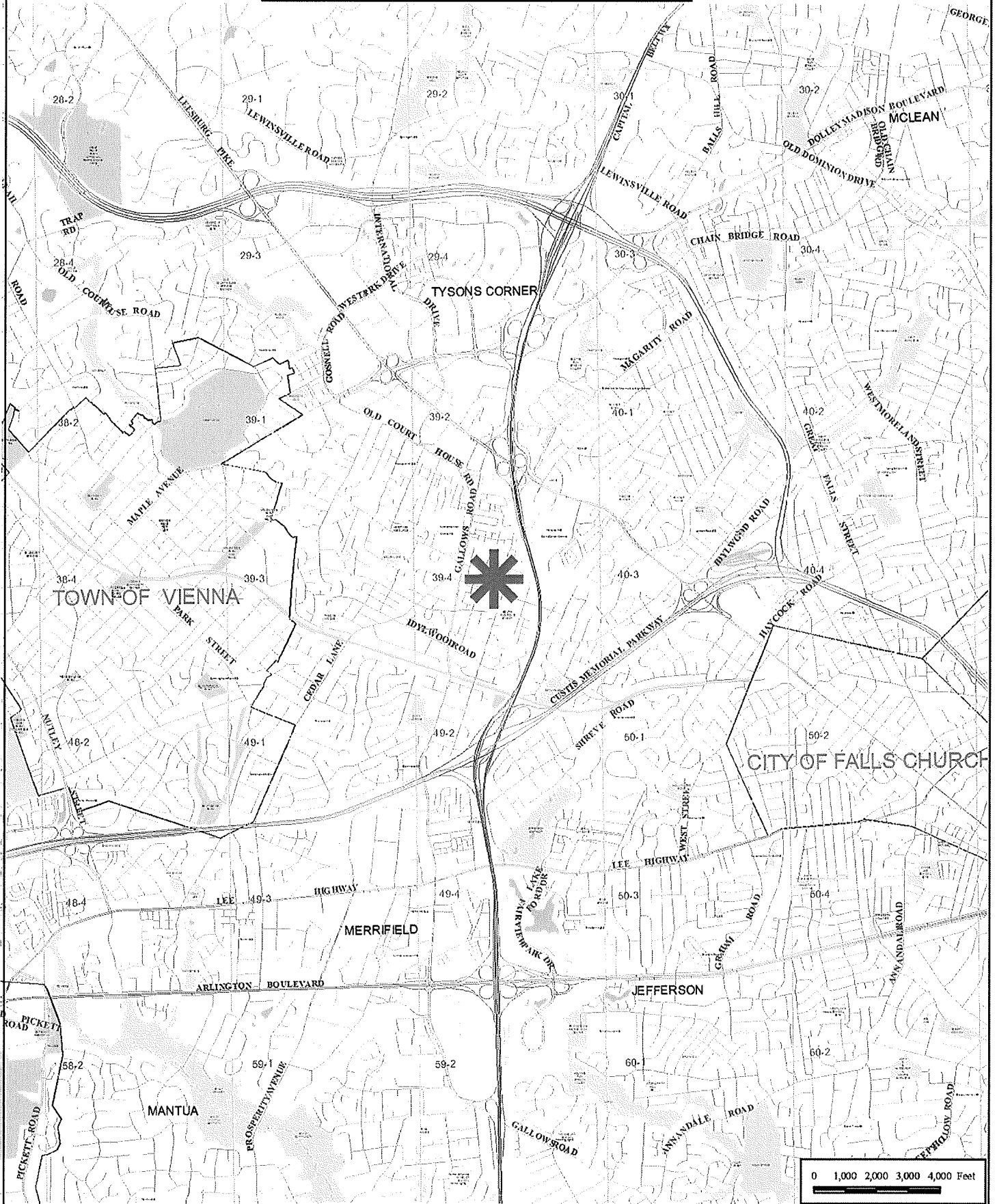
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

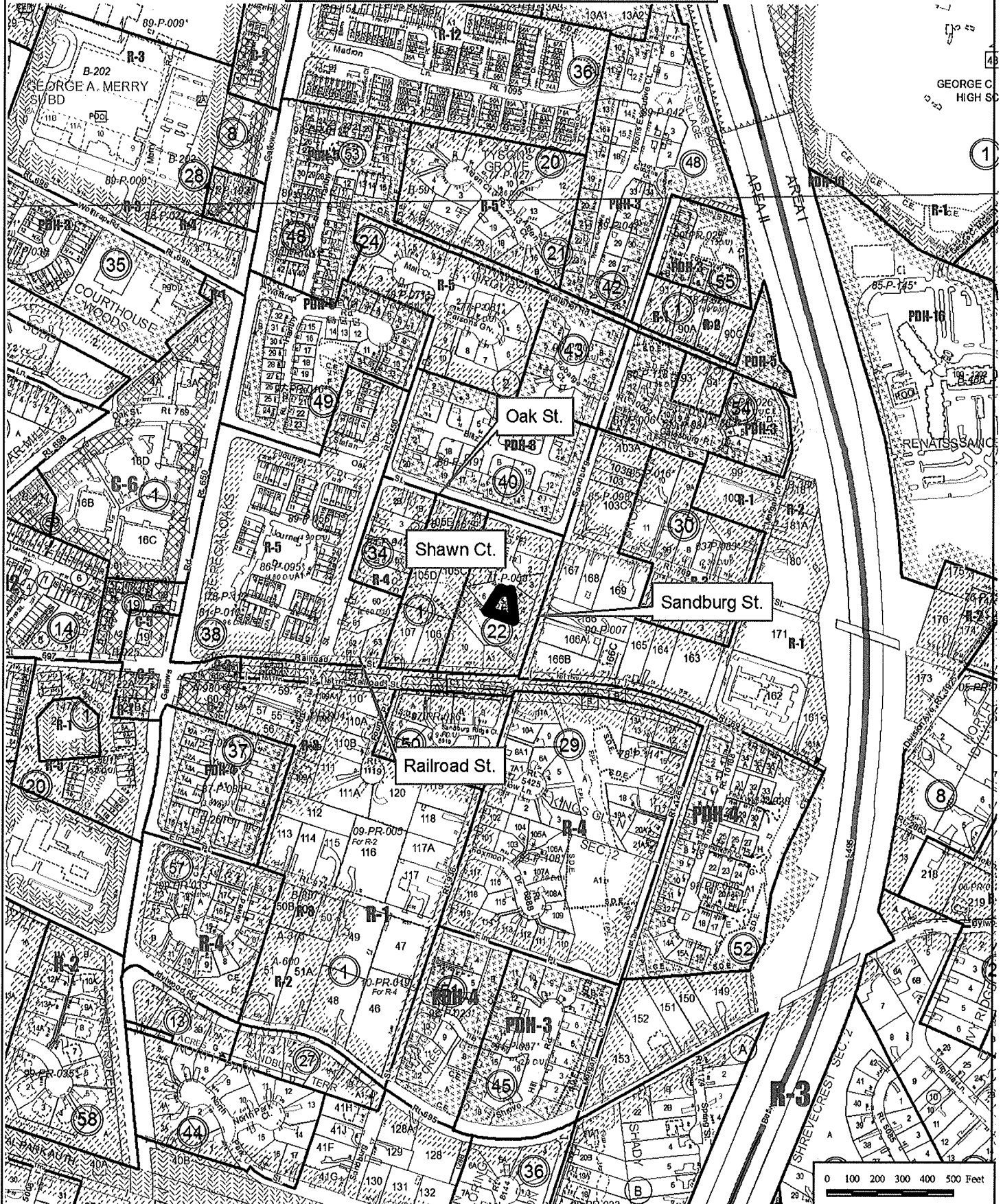


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2012-PR-043
JAMES AND CONNIE O'CONNOR

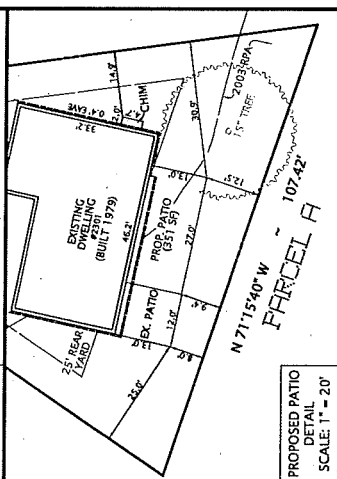
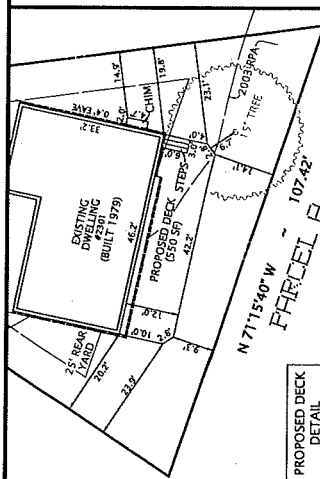
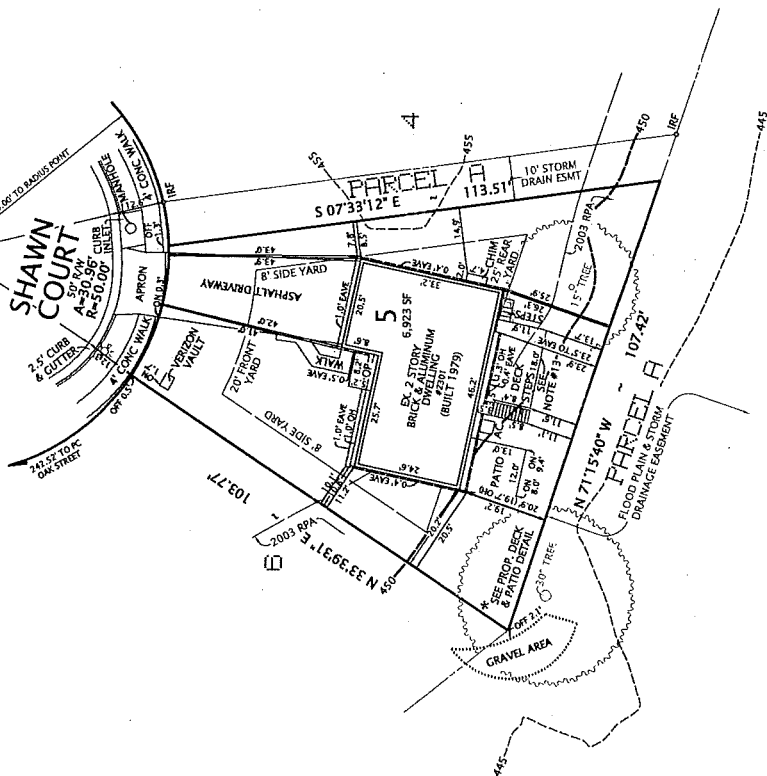
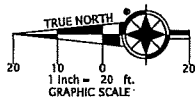


Special Permit
SP 2012-PR-043
JAMES AND CONNIE O'CONNOR



NOTES:

- TAX MAP: 39-4-0022-0005
- ZONE: R-5 (RESIDENTIAL 5 DU/AC)
- LOT AREA: 6,923 SQUARE FEET (0.1589 ACRE)
- REQUIRED YARDS:
FRONT: 20.0 FEET
SIDE: 08.0 FEET
REAR: 25.0 FEET
- HEIGHTS:
EX. DWELLING = 29.1 FEET
EX. OP = 09.5 FEET
EX. DECK = 06.9 FEET
PROP. DECK = 07.7 FEET
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
- THERE IS A RESOURCE PROTECTION AREA ON THIS PROPERTY AND A FLOODPLAIN ABUTTING THIS PROPERTY.
- AREAS:
EX. BASEMENT = 839 SF
EX. FIRST FLOOR = 1,314 SF
EX. SECOND FLOOR = 983 SF
EX. GROSS FLOOR AREA = 3,136 SF
EX. FLOOR AREA RATIO:
EX. GFA (3126) / LOT AREA (6923) = 0.45
- THE EXISTING DECK AND STEPS WILL BE REMOVED. THE EXISTING PATIO WILL REMAIN.
- UTILITIES ARE UNDERGROUND.

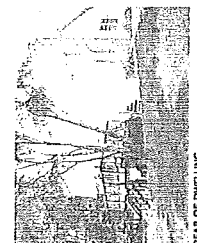


PLAT
SHOWING THE IMPROVEMENTS ON
LOT 5

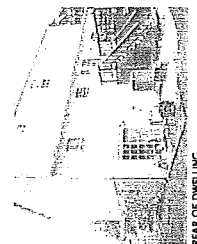
LEIGH WOODS
(DEED BOOK 5034, PAGE 327)
FAIRFAX COUNTY, VIRGINIA
PROVIDENCE DISTRICT

SCALE: 1" = 20'
MAY 25, 2012
JUNE 26, 2012 (PROP. PATIO)

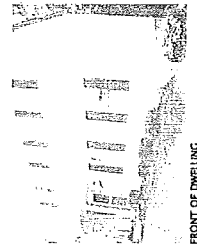
<p>I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND JUDGES SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.</p>		<p>CASE NAME: CONNIE YU O'CONNOR JAMES O'CONNOR</p>
<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.</p>		<p>DOMINION 8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 TEL: 703-555-5555 FAX: 703-555-0512</p>



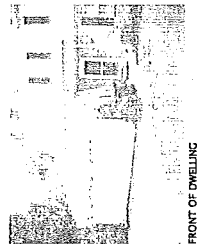
REAR OF DWELLING



REAR OF DWELLING

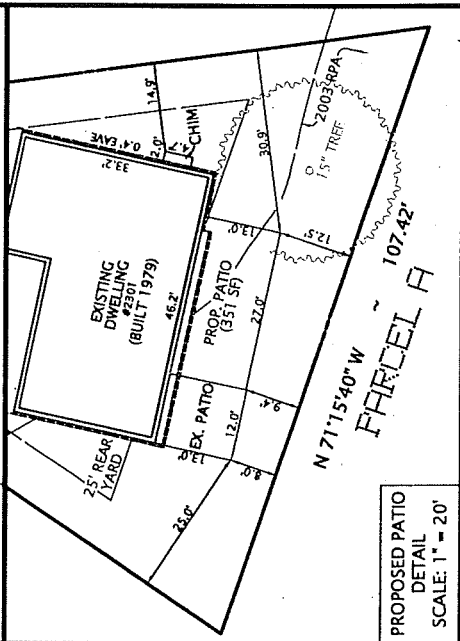
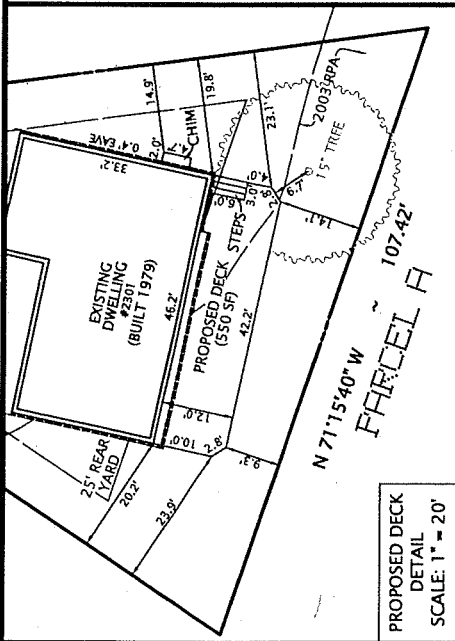
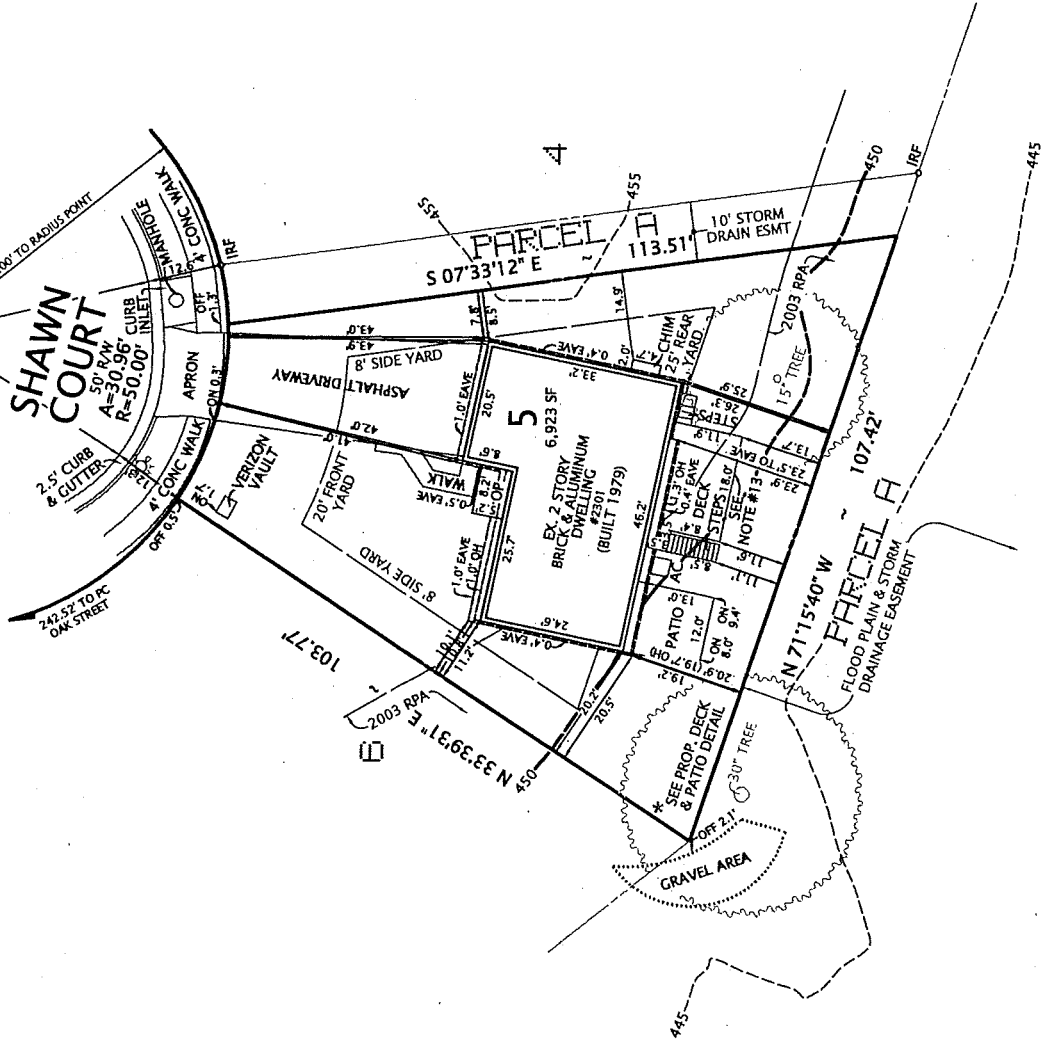
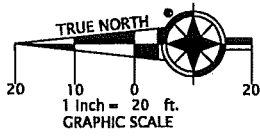


FRONT OF DWELLING



FRONT OF DWELLING

- 1.
- 2.
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NOTES:

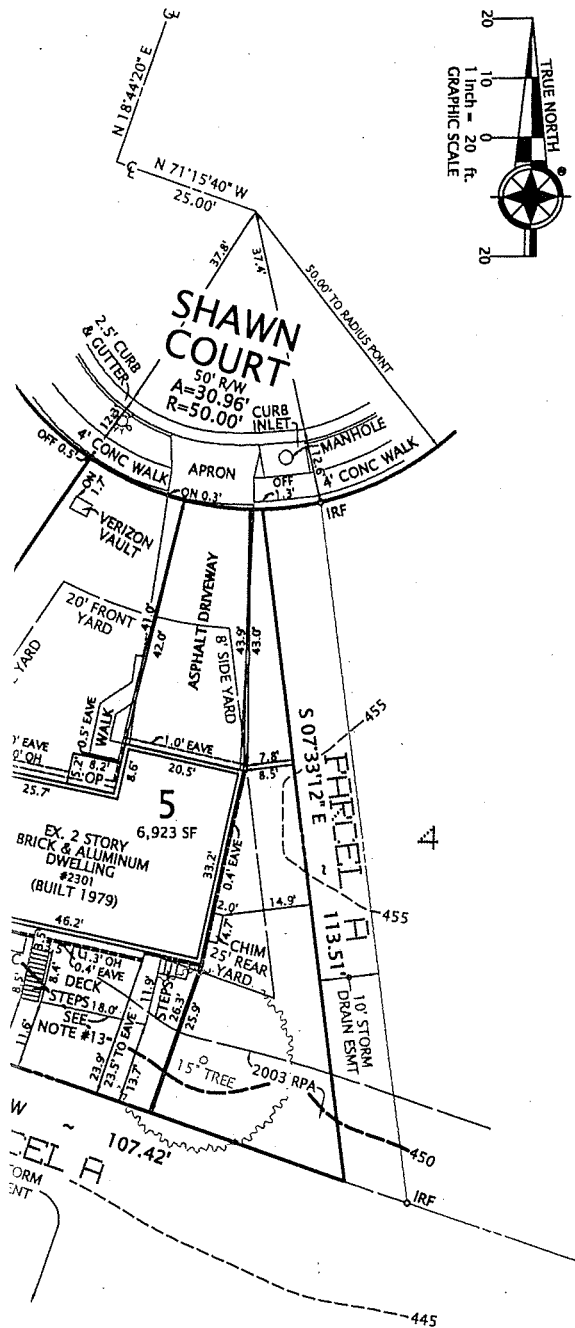
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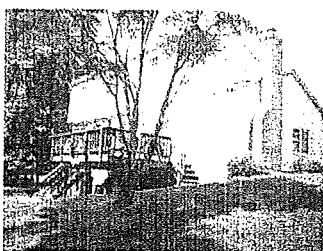
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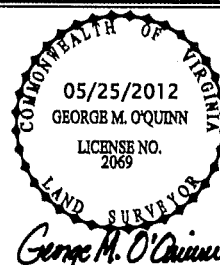
LEIGH WOODS
(DEED BOOK 5034, PAGE 527)
FAIRFAX COUNTY, VIRGINIA
PROVIDENCE DISTRICT
SCALE: 1" = 20' MAY 25, 2012
JUNE 26, 2012 (PROP. PATIO)



REAR OF DWELLING

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



CASE NAME:

CONNIE YU O'CONNOR
JAMES O'CONNOR

DOMINION

8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

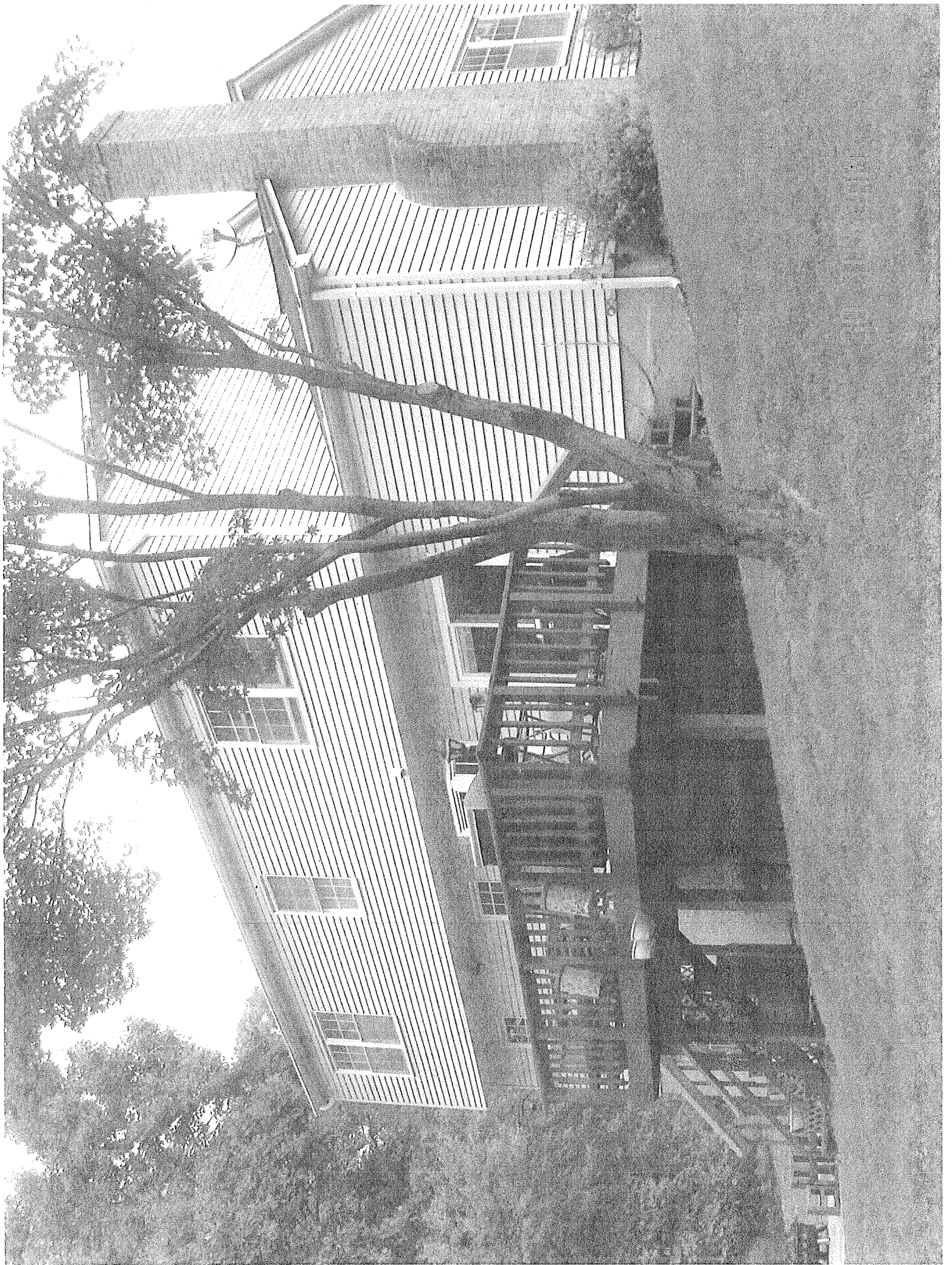




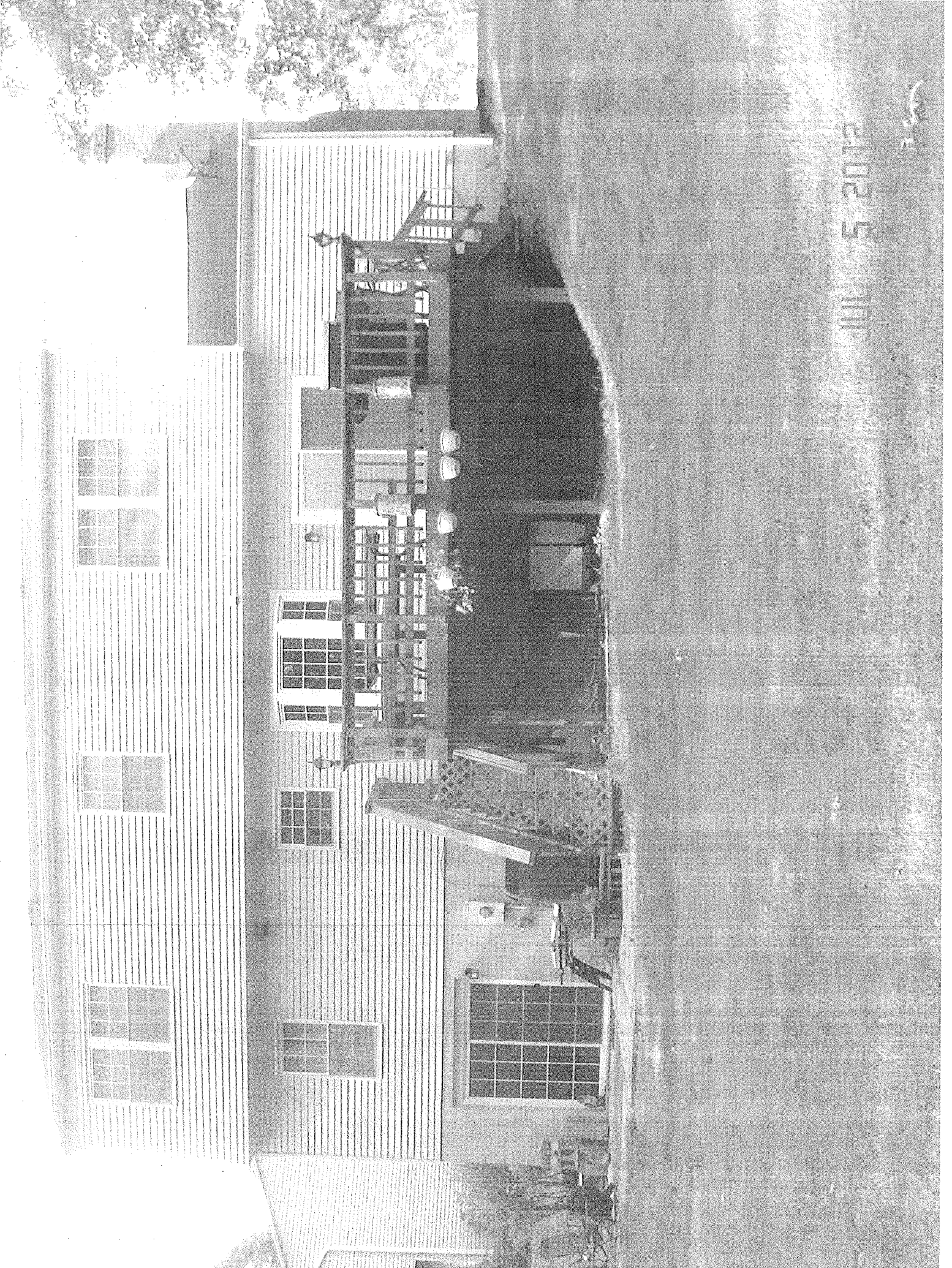


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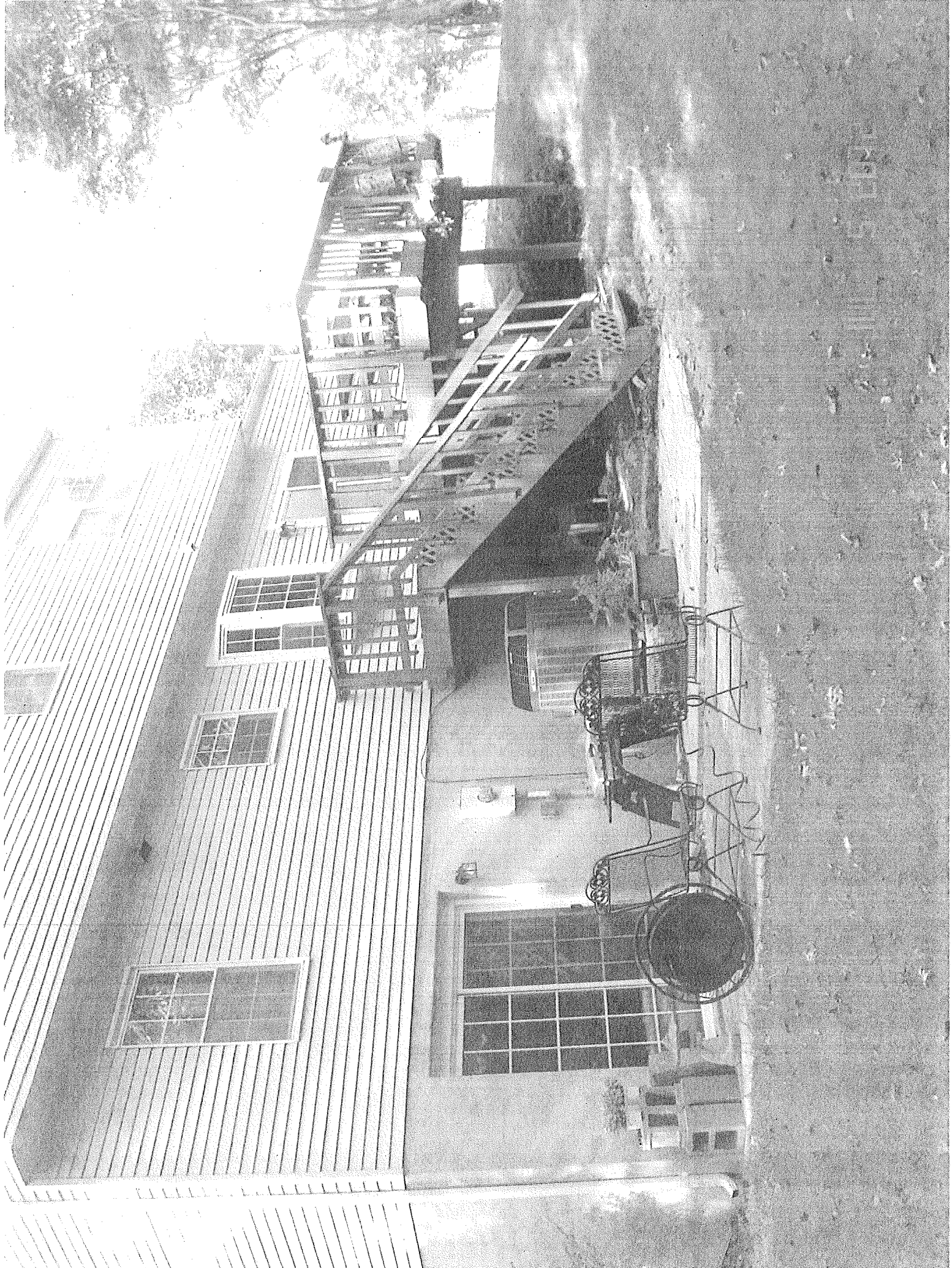




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7:50

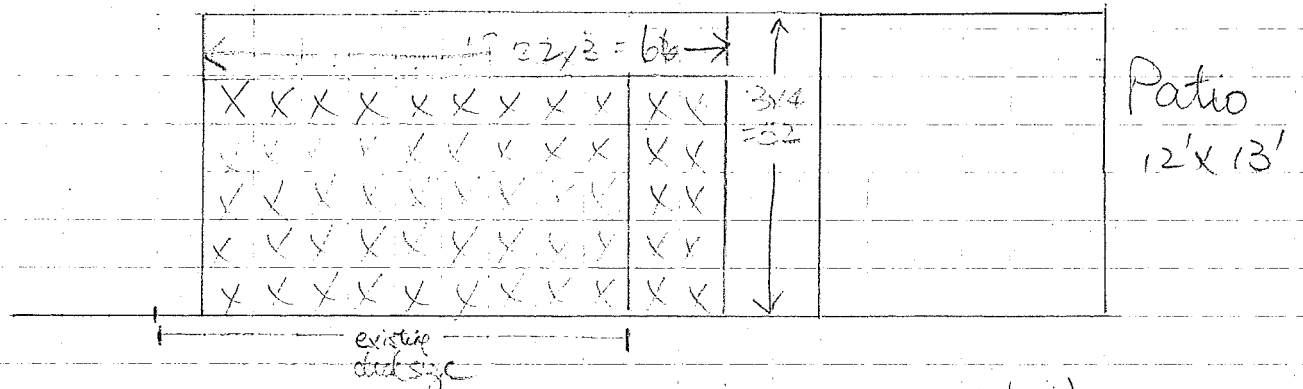
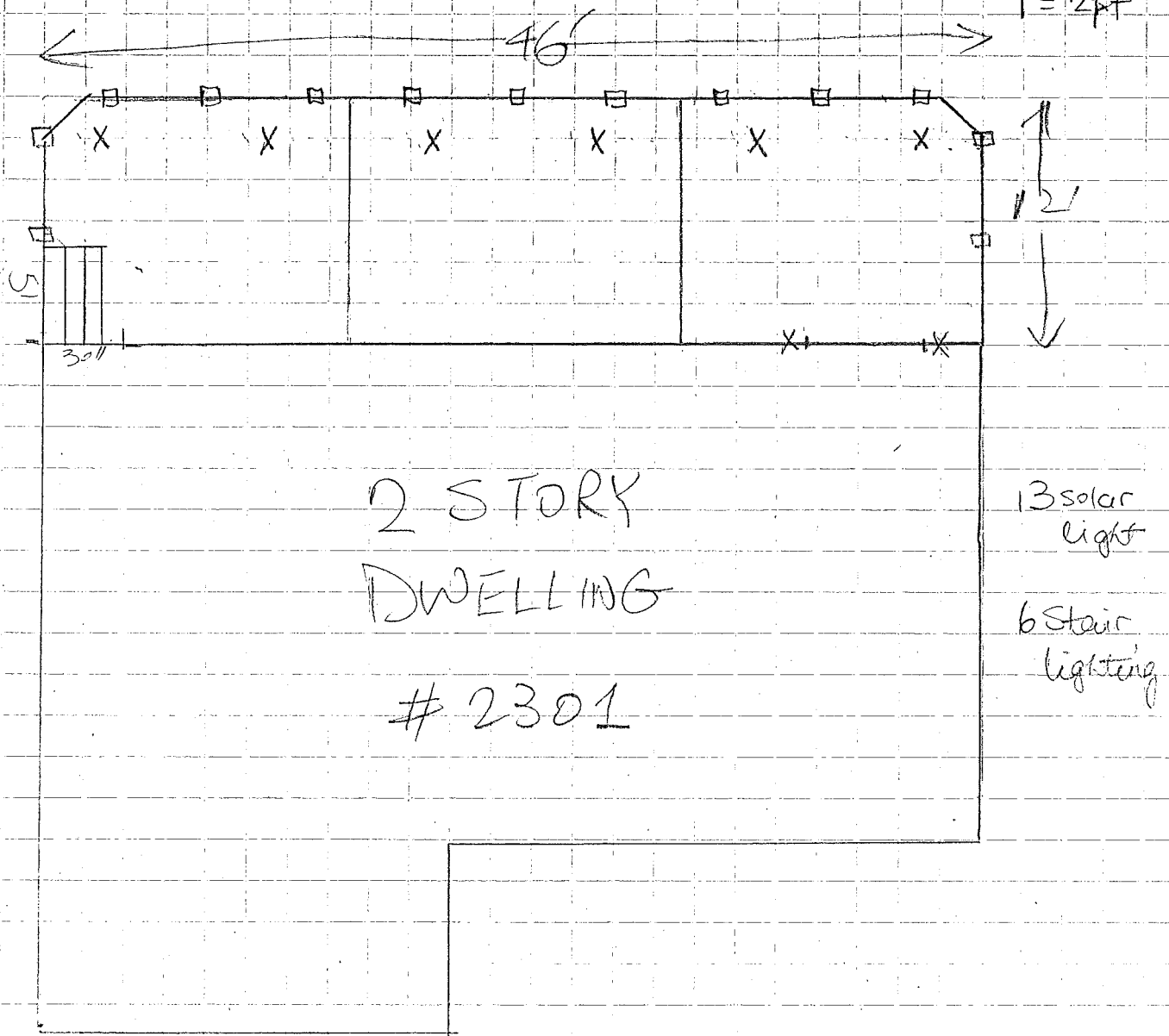






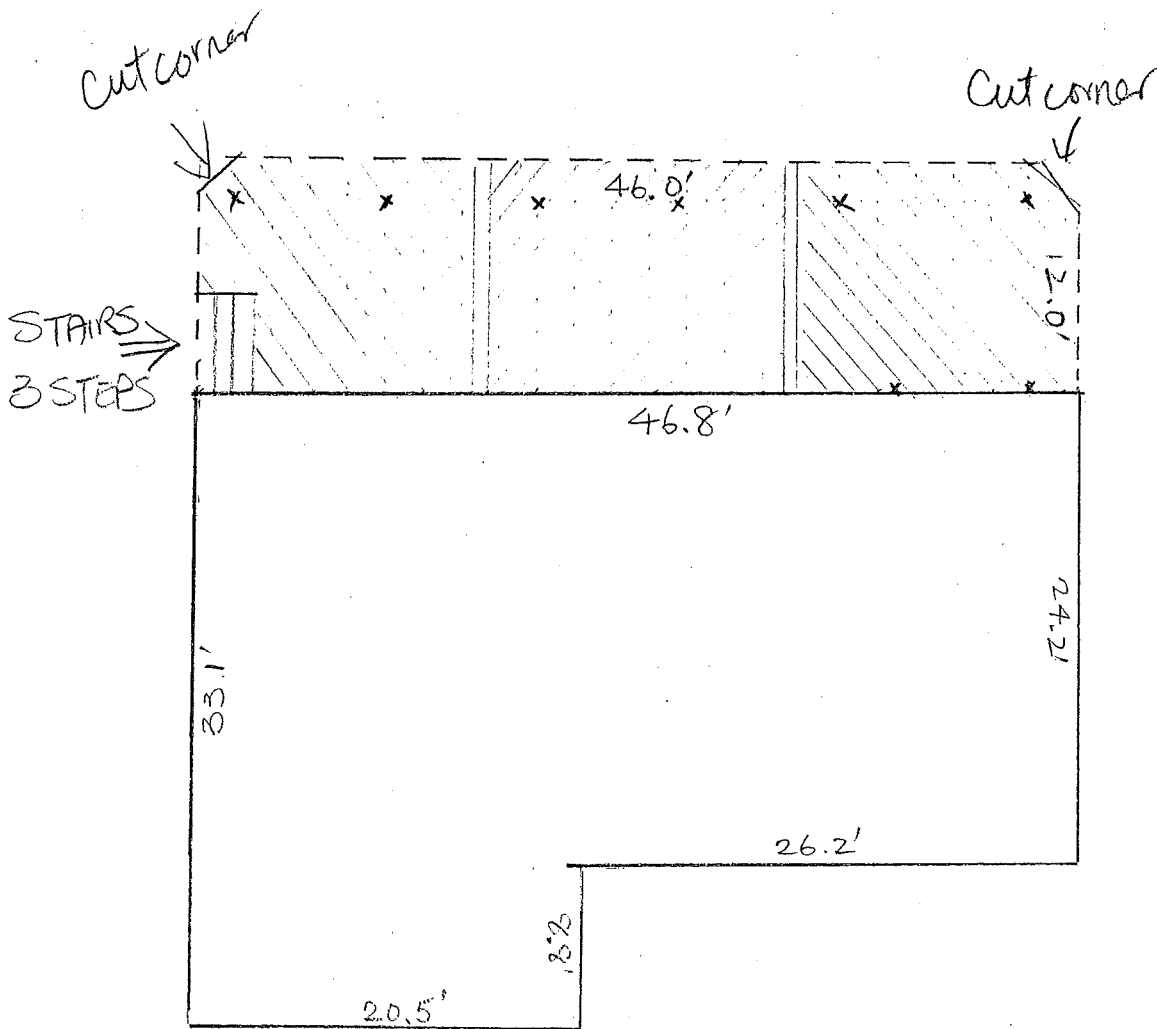






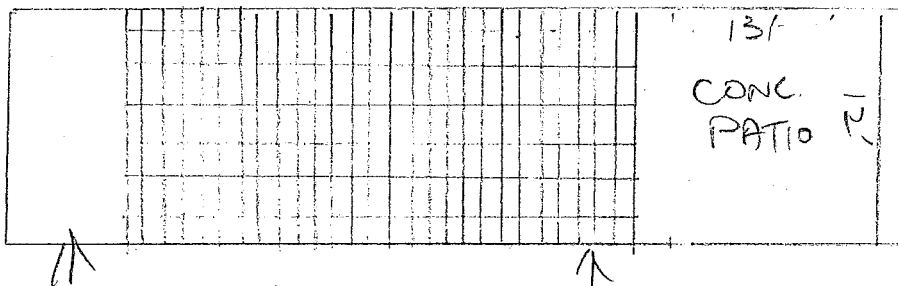
- Need $(66 + 12.5) / 13$ patio stones
- Sand + ^{bags of} gravel
- cement stones

x ← supporting posts



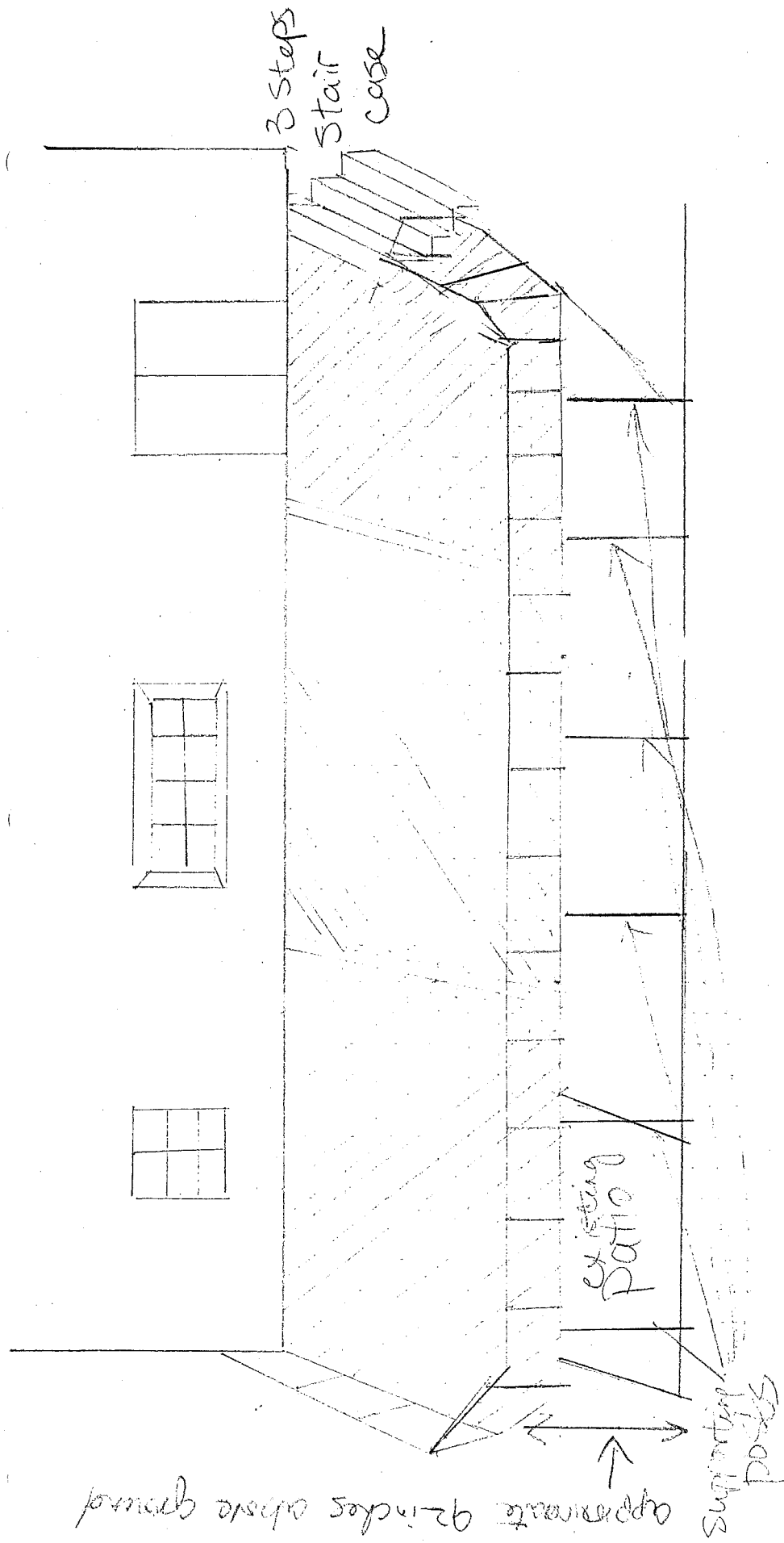
Deck
height
is 8ft
(approximate)

View of patio



this is
slope / uneven
space, remain
untouch

1' x 1' patio stone



Deck size approximate 46 feet x 12 feet

existing patio remains unchanged

under the deck will be covered by 1' x 1' stone

DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of a special permit to permit reduction of certain yard requirements to allow the construction of an open deck to be located 9.3 feet from the rear lot line.

	Structure	Yard	Minimum By-right Yard with Permitted Extension	Proposed Location	Proposed Reduction	Minimum Yard Permitted per Section 8-922 Par. D	Percentage of Reduction Requested
Special Permit	Open Deck	Rear	13.0 feet*	9.3 feet	2.3 feet	7.0 feet**	33%

*Minimum yard requirement per Section 3-507 with permitted extension for an open deck per Section 2-412

****Note:**

The R-5 District requires a minimum rear yard of 25.0 feet. Per Section 2-412 as noted above, a deck is permitted to extend an additional 12.0 feet which establishes a new rear yard requirement of 13.0 feet. Paragraph D, Section 8-922 then provides that an applicant can request a 50% reduction to the permitted extension set forth in Section 2-412. The permitted extension is 12.0 feet, so a reduction of 6.0 feet may be requested under Section 8-922, which means that the applicant can request a reduction to as close as 7.0 feet from the rear lot line (13.0 feet – 6.0 feet = 7.0 feet).

EXISTING SITE DESCRIPTION

The R-5 zoned property is developed with a two-story, single-family detached dwelling which was constructed in 1979. The dwelling is situated in the center of the 6,923 square foot triangular shaped lot located at the end of a cul-de-sac. An existing wood deck with steps and a small concrete patio are located along the rear of the dwelling. There is a Resource Protection Area (RPA) which encompasses a majority of the rear yard. A 10 foot storm drain easement is located directed to the south and east of the subject property on Parcel A. There is significant existing mature vegetation consisting of mature trees throughout along the rear property boundary of Parcel A, which is homeowner's association open space. The topography of the lot appears to be flat and the yard contains a manicured lawn and scattered vegetation.

CHARACTER OF THE AREA

	Zoning	Use
North	R-5	Single Family Detached Dwellings
East	R-5	Leigh Woods Homeowners Association Open Space
South	R-5	Leigh Woods Homeowners Association Open Space
West	R-5	Single Family Detached Dwellings

BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat Showing the Improvements on Lot 5, Leigh Woods
- **Prepared by:** Dominion Surveyors, Inc., dated and sealed on May 25, 2012 as revised through June 26, 2012

Proposal:

The applicants request approval for construction of a 550 square foot (approximately 46 foot x 12 foot), open deck to be placed along the rear of the existing dwelling and 9.3 feet from the rear lot line. A patio is proposed beneath the deck. The proposed deck will be placed in an area where there is an existing deck on the home; however, the proposed deck is larger and will extend further beyond the location of the existing deck. The proposed deck will be approximately 7.7 feet in height and will not extend beyond the side plane of the dwelling.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application for the proposed addition must meet all of the following standards, copies of which are attached as Appendix 4:

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards

- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the construction of the addition will not adversely affect the use or development of neighboring properties. The most affected property is homeowners open space which is heavily wooded. The open deck appears to be in character with the properties and uses within the vicinity. Therefore, staff believes this standard has been met.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additional square footage, which does not apply to this application. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8, and 9.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The submitted plat and elevations indicate that the scale and materials of the proposed open deck will be compatible with the existing dwelling. The length and width of the open deck is proportional to the rear of the house and will replace an existing smaller deck and patio on the lot. Staff believes this standard is satisfied.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *The applicant proposes to construct an open deck along the rear of the dwelling which will replace a smaller deck. A patio is proposed beneath the open deck and neither structure will extend beyond the plane of the dwelling along either side. No vegetation is proposed to be removed to accommodate the structure. The most impacted property off-site would be homeowners open space which staff believes would not be impacted by the newly constructed open deck and patio. Staff believes this standard is satisfied.*

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. *The proposed open deck and patio below should not adversely impact the use or enjoyment of the adjacent properties due to the lack of impact on those properties. The open deck will be built in an area where it will replace an existing smaller deck and patio. Since a structure currently exists today, staff does not believe issues regarding noise, light, air, safety or erosion will occur. Staff believes this standard is satisfied.*

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the roofed deck; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The proposed location of the open deck is the best possible location on the site. The structure will replace an existing structure on the lot. The most affected property is homeowners open space which should not be affected by the construction of the proposed deck and patio beneath. The RPA in the rear yard covers a majority of the site, which limits development on the site. DPWES staff has indicated that the proposed wood deck and patio are permitted in the RPA as minor additions per the Chesapeake Bay Preservation Ordinance. An RPA encroachment exception will be processed by staff during the walk-in building permit process. Therefore, staff believes this standard is satisfied.*

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2012-PR-043 with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification with Attachments
4. Applicable Zoning Ordinance Provisions

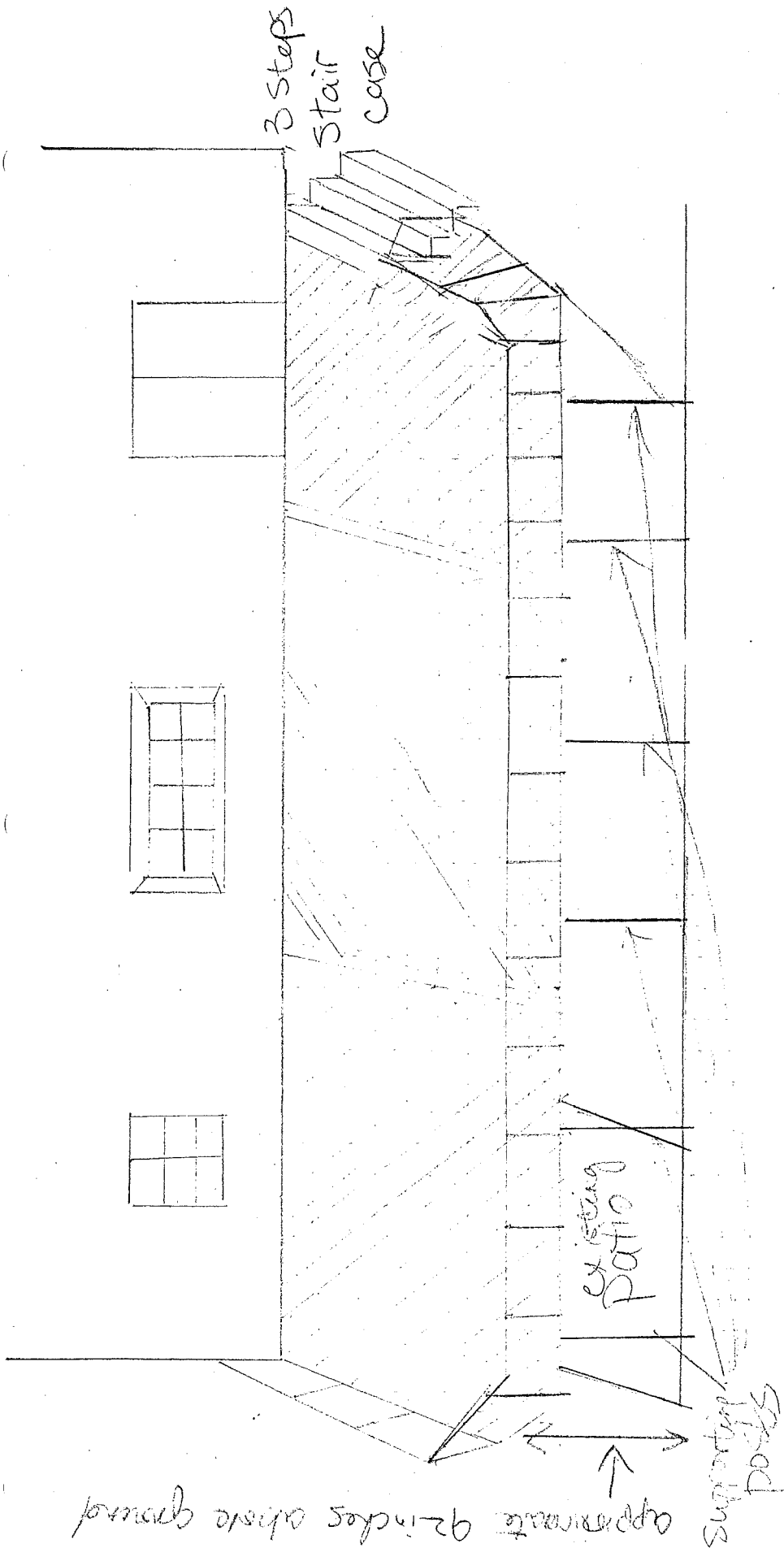
PROPOSED DEVELOPMENT CONDITIONS**SP 2012-PR-043****September 26, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-PR-043 located at Tax Map 39-4 ((22)) 5 to permit reduction of certain yard requirements pursuant to Sect. 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

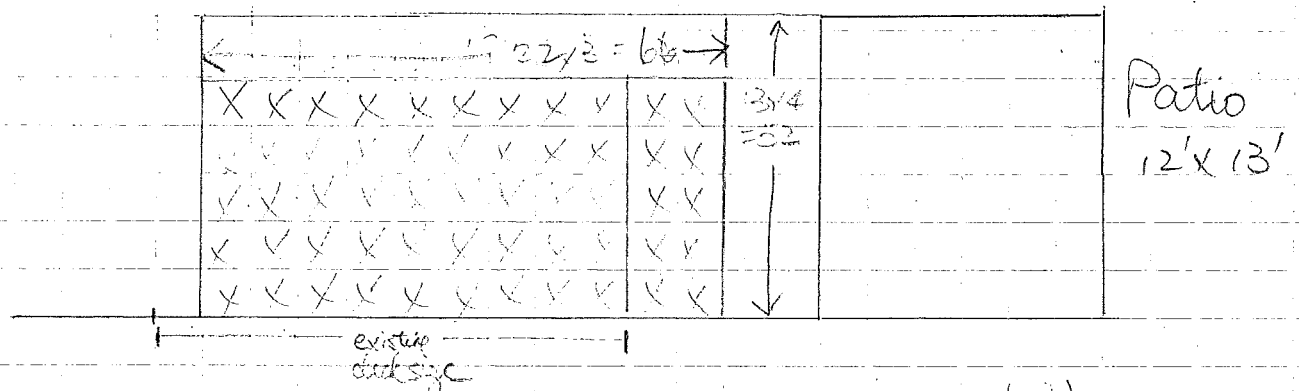
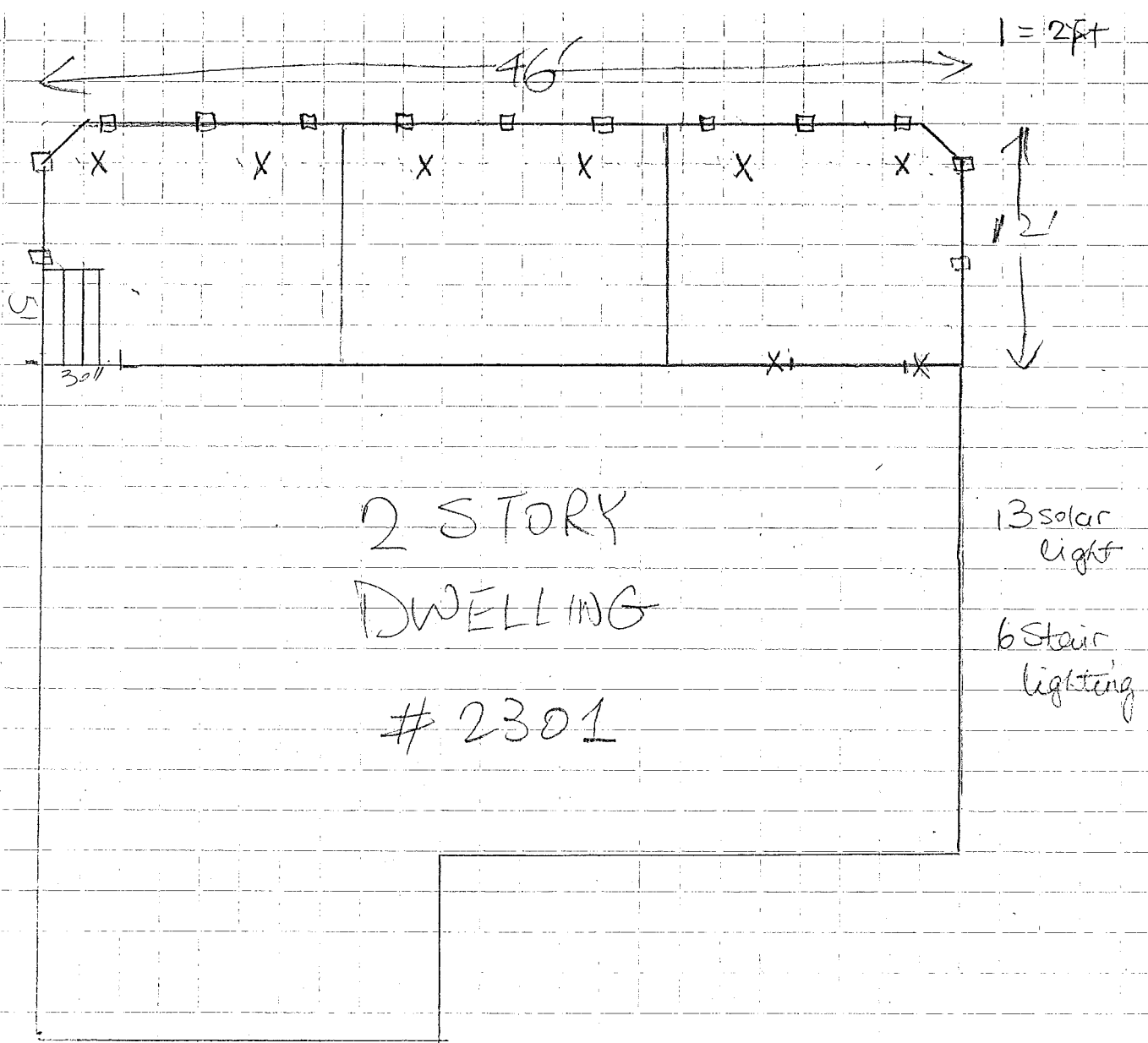
1. This special permit is approved for the location and size of an open deck and patio, as shown on the plat prepared by Dominion Surveyors, Inc., dated and sealed on May 25, 2012, as revised through June 26, 2012, as submitted with this application and is not transferable to other land.
2. The open deck shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



Deck size approximate 46 feet x 12 feet
 existing patio remains unchanged
 under the deck will be covered by 1' x 1' stone

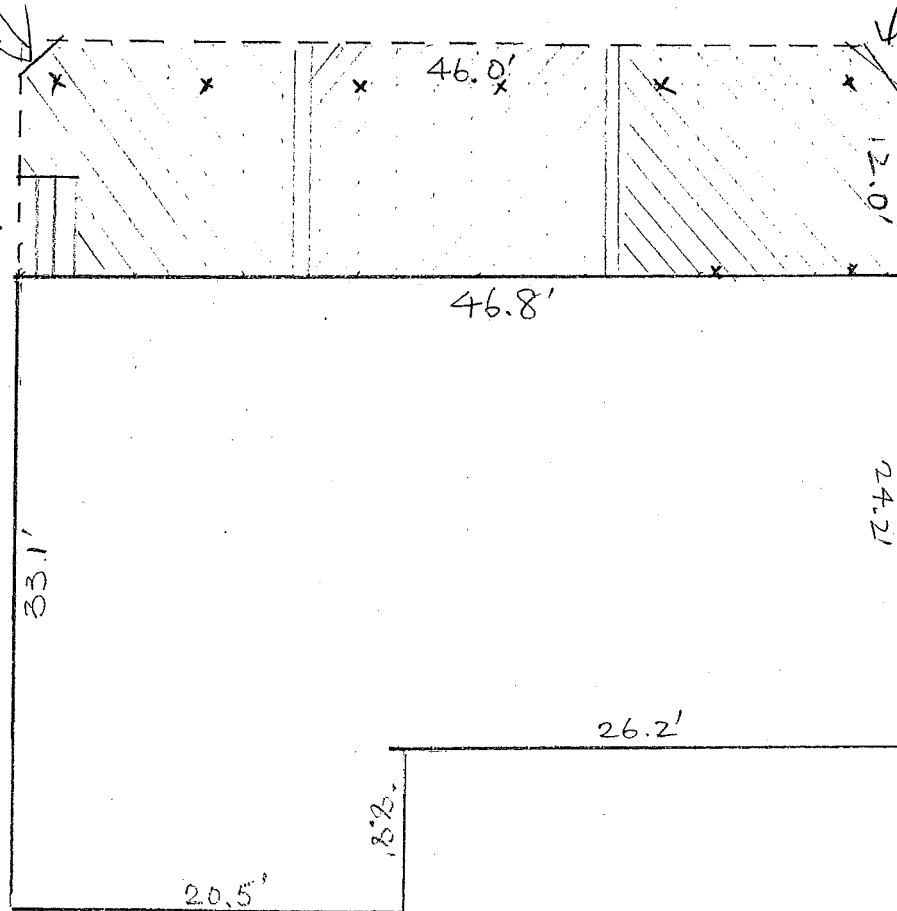


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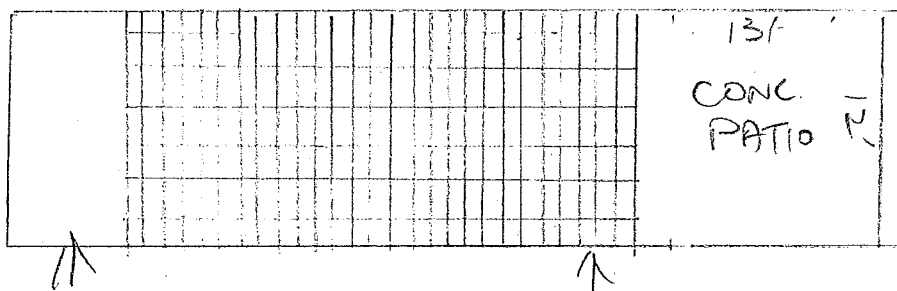
cut corner

Cut corner

STAIRS \Rightarrow
3 STEPS



View of patio



this is
slope / uneven
space, remain
untouch

1' x 1' patio stone

Application No.(s):

SP 2012-PR-043
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVITDATE: 5/19/2012

(enter date affidavit is notarized)

I, Connie Y.O'Connor, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

116649

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Connie Y. O'Connor	2301 Shawn Ct, Dunn Loring, VA	Applicant/Title Owner
James O'Connor	2301 Shawn Ct, Dunn Loring, VA	Applicant/Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s):

SP 2012-PK-043

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/19/2012
(enter date affidavit is notarized)

116649

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

NA

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-PR-043
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/19/2012
(enter date affidavit is notarized)

116644

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

NA

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2012 PR-043
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/19/2012
(enter date affidavit is notarized)

116649

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2012-PR-043
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/19/2012

(enter date affidavit is notarized)

116649

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Connie Y. O'Connor

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of May, 2012, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 11-30-2015

Merlie Monique Barron
Notary Public

MERLIE MONIQUE BARRON
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES NOV. 30, 2015
COMMISSION # 7503135

05/19/2012

JUL 06 2012

County of Fairfax, Virginia
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Zoning Evaluation Division

Re: **Special Permit Application – James and Connie O'Connor**
Property address: **2301 Shawn Court Dunn Loring VA 22027**

Department of Planning and Zoning Team:

1. The resulting of expanding deck size from 240SF (20'x12') to approximately 583SF (48.6'x12') is for personal use. This request is to reduce minimum yardage requirement to permit an open deck 9 feet from rear lot line.
2. This permit shall only apply to this property, which contains a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
3. This request shall not/will not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.
4. The resulting Gross Floor Area (GFA) of an addition to the existing principal structure is less than 150 percent of the total GFA of the principal structure that existed at the time of the request.
5. This request shall not/will not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent.
6. This request shall not/will not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
7. No portion of the said property is to be removed.
8. The resulting GFA of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, and intent to the principal structure on the site.
9. The proposed development will be in character with the existing on-site development in terms of the location, height, bulk, and scale of the existing structure on the lot.
10. The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures.

11. The proposed development shall not/will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety erosion and stormwater runoff.

12. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.

13. Surveyor ran an impervious cover calculation for the rear yard and it is 25.35%.

Sincerely,

A handwritten signature in black ink, appearing to read "James O'Connor". The signature is fluid and cursive, with a large initial "C" and "O".

James and Connie O'Connor
2301 Shawn Court
Dunn Loring, VA 22027
(703) 244-2027

July 6, 2012

JUN 05 2012

Zoning Evaluation Division

Statement of Justification

Proposed Deck for 2301 Shawn Ct, Dunn Loring, VA

The proposed structure will be used as a deck in a private dwelling. Barbequing and occasional small parties will be its only types of operation.

The deck will be used during daylight hours, generally between the months of April and October.

The approximate number of friends and family should be no more than a dozen and generally six people on average.

There will be no employees, attendants or teachers using the deck.

The estimated traffic volume should be no more than two or three individuals coming and going on foot to and from the deck a couple of times a day in the afternoon or early evening.

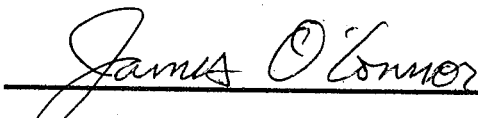
The area served by the addition of this deck will be isolated to the backyard of the property at 2301 Shawn Ct.

The proposed deck will be made of treaded wood and will be approximately 12" by 46' at a height of 8 feet.

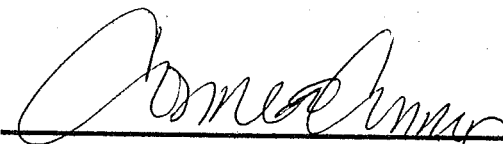
There will be no hazardous waste and/or petroleum products stored at this site.

This deck will conform to all guidelines and ordinances. It will be constructed with the proper clearance of properties on all sides and with the proper post distribution and depth to meet structural and weight requirements.

Owners



James O'Connor



Connie Y. O'Connor

5/17/2012

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.